

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

SHIRLEY PHELPS-ROPER,)
Plaintiff,)
)
v.) No. 06-4156-CV-C-FJG
)
)
CHRIS KOSTER, et al.,)
Defendants.)

ORDER

Pending before the Court is Plaintiff's Motion for Relief from Judgment (Doc. No. 345). Plaintiff requests, pursuant to Fed. R. Civ. P. 60(b), that the Court vacate its order of March 10, 2014, which granted the state defendants' motion for summary judgment on the due process claim in Count XIV related to R.S.Mo. §§ 573.502 and 573.503, and modify the judgment so that Count XIV is dismissed with prejudice as moot. Plaintiff requests this relief because on August 28, 2014, before plaintiff was able to appeal the merits of the adverse decision on Count XIV, R.S.Mo. §§ 573.502 and 573.502 were repealed.

In response, the state defendants argue that reopening the judgment in this case to dismiss Count XIV would serve no purpose, and moreover, plaintiff has already filed a notice of appeal related to this claim. Upon consideration, the Court agrees with defendant that the Eighth Circuit is capable of determining whether plaintiff's claim is moot, and treating it accordingly in any resulting opinion. Therefore, plaintiff's motion (Doc. No. 345) is **DENIED**.

IT IS SO ORDERED.

Date: December 8, 2014
Kansas City, Missouri

S/ FERNANDO J. GAITAN, JR.
Fernando J. Gaitan, Jr.
United States District Judge